

**FILED**

MAY 28 2008

**BOARD OF PHARMACY**

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	
HEMIN HASMUKH PATEL, R.Ph.	:	<b>FINAL ORDER</b>
License No. 28RI02917200	:	<b>OF DISCIPLINE</b>
	:	
TO PRACTICE PHARMACY IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Pharmacy upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made.

**FINDINGS OF FACT**

1. Respondent is a licensed pharmacist in the State of New Jersey and had been a licensee at all times relevant hereto.

2. On January 14, 2005 respondent, a licensed pharmacist in Ohio, was the subject of an Order of the Ohio State Board of Pharmacy. Specifically, the Ohio Board found, after an administrative proceeding, that respondent from December 13, 2004

through January 8, 2005, (1) created and/or knowingly possessed false or forged prescriptions for family members and fraudulently billed various insurance companies while working as a pharmacist for Kroger Pharmacy and (2), that respondent from April 4, 2004 through November 30, 2004, while working for Walmart as a pharmacist, admittedly stole gift cards, merchandise, and long-distance telephone time. On January 11, 2008, the license of respondent to practice pharmacy in the State of Ohio was suspended immediately for five (5) years, four of which may be served as probation, upon reinstatement by the Board one (1) year from the date of entry of the Ohio Order. Respondent's Ohio license shall not be considered in good standing until successful completion of the probation period.

#### **CONCLUSIONS OF LAW**

1. The above Order of Suspension by the Ohio Board of Pharmacy provides grounds for the suspension of respondent's license to practice pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21(g) in that his license has been suspended by the State of Ohio for reasons consistent with N.J.S.A. 45:1-21(b) dishonesty and fraud and (e) professional misconduct.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice pharmacy in the State of New Jersey was entered on March 24, 2008 and a copy was forwarded to respondent's last known address by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00

p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the record reflects that the Provisional Order was served upon respondent no response has been received to date. Accordingly the Board considered the matter, determined that further proceedings were not necessary and the Provisional Order should be made final.

IT IS THEREFORE on this 27<sup>th</sup> day of MAY , 2008,

ORDERED that:

1. Respondent's license shall be and hereby is suspended until his Ohio pharmacy license is returned to the status of good standing in the State of Ohio.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley  
Edward G. McGinley, R.Ph.  
President